REMARKS

Claims 1, 5, 9 and 10 are pending in the present application. By this Amendment, claim 9 has been amended. No new matter has been added. It is respectfully submitted that this Amendment is fully responsive to the Office Action dated March 30, 2004.

Allowable Subject Matter:

Applicants gratefully acknowledge the indication on page 9 of the Action, that claim 9 would be allowable once amended to overcome the lack of antecedent basis and indefiniteness objection.

Objection to Specification:

The specification (and claim 9) stands objected to on page 2 of the Action since the specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discover. This objection is traversed.

However, is it respectfully submitted that claim 9 has been amended to overcome this objection. Accordingly, withdrawal of this objection is respectfully requested.

As To The Merits:

As to the merits, the Examiner sets forth the following rejections:

1) claims 1, 5, and 10 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/257,364 (Publication No. US 2003/0055657, herein, US Publication No. 0055567) in view of Huang et al. (U.S. Patent No. 6,119,091); and

2) claims 1, 5 and 10 stand rejected under 35 U.S.C §102(e) as being anticipated by Huang et al. (U.S. Patent No.: 6,119,091).

Each of these rejections is respectfully traversed.

Provisional Obviousness -Type Double Patenting Rejection:

Claim 1 of the present invention calls for *a recording means for recording into a recording medium a data file in which a sound signal encoded in a first format and a first decoding program according to said first format are stored; a storing means for storing a second decoding program according to a second format; a determining means for determining whether or not a format agrees between said sound signal and said second decoding program; a validating means for validating one of said first decoding program and said second decoding program on the basis of a determination result of said determining means; a decoding means for decoding said sound signal by the decoding program validated by said validating means; and an outputting means for outputting the decoding sound signal decoded by said decoding means.*

With regard to claim 1, the Examiner takes the following position:

Regarding claim 1, an attachment means for attaching an external memory of claim 1 of U.S. Publication No. 0055657, reads on a recording means; an internal memory of claim 1 of U.S. Publication No. 0055657, read on a storing means; a determination means of claim 1 of U.S. Publication No. 0055657, reads on a determining means; and a transfer means of claim 1 of U.S. Publication No. 0055657, reads on a validating means; and a decoding means of claim 1 of U.S. Publication No. 0055657, reads on a decoding means.[1]

---

[1] Please see, the bridging paragraph between pages 3 and 4 of the Action.

However, the Examiner is mis-characterizing the teachings of claim 1 of Yoshida. More specifically, the attachment means disclosed by Yoshida in claim 1 fails to constitute a recording means as set forth in claim 1 of the present application.

That is, the attachment means of Yoshida fails to perform the function of recording into a recording medium a data file in which a sound signal encoded in a first format and a first decoding program according to said first format are stored, as called for in claim 1 of the present application.

With regard to independent claim 5, it is respectfully submitted that the above-argument made with regard to independent 1 is applicable to independent claim 5 as well. That is, the attachment means of Yoshida fails to perform the function of recording into a recording medium a data file in which a sound signal encoded in a predetermined format and a decoding program according to said predetermined format are stored, as called for in claim 5 of the present application.

Independent claim 10 calls for *an attaching means for detachably attaching a recording medium on which a sound signal encoded in a predetermined format and a decoding program according to said predetermined format are recorded.*

Claim 1 of Yoshida fails to disclose that a sound signal encoded in a predetermined format exists on a recording medium.

Anticipatory Rejection based on Huang:

Claim 1 calls for *a recording means for recording into a recording medium a data file in which a sound signal encoded in a first format and a first decoding program according to said first format are stored.* Independent claim 5 is drawn to a similar embodiment.

Independent claim 10 calls for *an attaching means for detachably attaching a recoding medium on which a sound signal encoded in a predetermined format and a decoding program according to said predetermined format are recorded.*

With regard to these features the Examiner asserts that:

Huang's disclosure further comprises a multimedia disc drive (104) of a multimedia system which may receive various readable/writable disks wherein the disk may contain encoded audio data files coupled with a decoder for decoding the encoded audio signal to an audio signal (figures 2-5, and col. 3, lines 5-25), wherein it is inherent that decoding programs are stored therein for a decoding the a first encoded format and a second encoded format, as evident by the fact that the decoding of the different audio formats takes place based on algorithms (col. 8, lines 21 – 25 and 60 – 67, col. 9 lines 16 – 19).

However, the Examiner is clearly mis-characterizing the teachings of Huang. That is, Huang does not disclose that decoding programs are stored on a disk with audio files nor is such inherent to Huang's disclosure.

Instead, according to Huang:

The configuration of address generator 520, memory module 522, and data path 524 provides for the ability to carry out a wide variety of algorithms in one or more ways. The state machines implemented in controllers 510, 512, 514 provide the control signals necessary to direct the execution of the algorithms to produce decoded audio sample sequences and buffer them in output buffer 542.[2]

---

[2] Please see, lines 13 – 19, column 9 of Huang.

That is, <u>Huang</u> discloses the decoding algorithm is determined by the configuration of the address generator 520, memory module 522 and data path 524, which is implemented by the controllers 510, 512 and 514.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

Thomas E. Brown
Attorney for Applicants
Registration No. 44,450

TEB/jnj
1250 Connecticut Avenue, NW
Suite 700
Washington, D.C. 20036
(202) 822-1100 (t)
(202) 822-1111 (f)
Attachment: Change of Correspondence Address